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OFFICE OF PETITIONS

HAYNES AND BOONE, LLP
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DALLAS, TX 75202

In re Application of :
Lin, et al. : DECISION REFUSING STATUS
Application No. 10/774,521 : UNDER 37 CFR 1.47(a)
Filed: February 9, 2004 :
Dkt.: 24061.126 (TSMC2003-0828) :
For: METHOD FOR NEGOTIATIONS :
USING A GLOBAL PRICING SYSTEM :

This decision is in response to the petition under 37 CFR 1.47(a), filed March 14, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the legal representative of the deceased inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed February 9, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed August 9, 2004 requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks requirements (1) and (2) set forth above.

As to item (1) set forth above, petitioners state "after a diligent effort, the inventors, Grace Shung Shin Lin and Pen Hseng Lin, refuses to sign or cannot be reached."

Petitioners have failed to establish that the non-signing inventors cannot be located or that diligent effort has been exerted to locate the non-signing inventors. Where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Petitioners have set forth no details of any efforts that have been made to locate either inventor. However, a cursory review of the Lexis®.com EZFIND Combined Person Locator Nationwide database revealed that Grace Shung Shin Lin more recently resided at 7317 Holly Hill Dr. Apt. 1215, Dallas, TX 75231. As to inventor Peng Hseng Lin, petitioners have provided no information regarding attempts to reach the inventor.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventors cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventors may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. See, MPEP 409.03(d).

As to item (4), the petition fails to set forth the last known address of Peng Hseng Lin.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

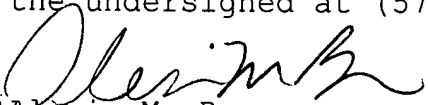
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Telephone inquiries concerning this matter may be directed to
the undersigned at (571) 272-3205.



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